

WAYS AND MEANS
COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Ways and Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Thursday, Thursday **March 10, 2005**.

MEMBERS PRESENT:

Legislator Peter O'Leary • Chairman

Legislator John Kennedy • Vice•Chairman

Legislator Daniel Losquadro

Legislator Elie Mystal

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MEMBER NOT PRESENT:

Ricardo Montano

ALSO IN ATTENDANCE:

Mea Knapp • Counsel to the Legislature

Jim Spero • Director, Budget Review Office

Charles Gardner • Director of Consumer Affairs

Sandy Sullivan • Clerk's Office

Ben Zwirn • County Executive's Office

Bill Faulk • Aide to Presiding Officer

Warren Greene • Aide to Legislator Alden

Ed Hogan • Aide to Legislator Nowick

Frank Tassone • Aide to Majority Leader O'Leary

Pat Zielenski • Real Estate Division

Lynne Bizzarro • County Attorney

Maria Ammirati • Aide to Chairman O'Leary

Richard LaValle • Deputy Commissioner • DPW

Alan Schneider • Civil Service

Steve Figari • Support Services

Christine Chayes • Civil Service

Mason Haas • Title Examiner

All other interested parties

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 9:43 A.M. *)

CHAIRMAN O'LEARY:

Okay. I'm going to call the meeting to order. Rise for a Salute to the Flag led by Legislator Mystal.

SALUTATION

CHAIRMAN O'LEARY:

Good morning, all. We have one card for the public portion, a Mason Haas. Mr. Hass, come up, please. State your name for the record. You have three minutes, sir.

MR. HAAS:

Yes. My name is Mason Haas. I am a owner of two companies, Ace Examiners, _M & M_ Abstracting. I'm here to speak regarding Resolution 1004•05, to consolidate the security at the Riverhead County Center under one, which would be in the control of DPW. I brought with me a petition that we put together of over 170 signatures that are in support of this bill. We feel that common sense wise, being business people using that facility out there, that this should be under the control of one unit, being DPW, since security was turned over to them since last year. At this time right now, it's fragmented. There's seems to be a lack of communication between the two securities. Things being left undone that need to be taken care of. And again, I think that this is due to the lack of communication and the fragmenting of the two operations.

You have two security personnel, I believe, that are under the Clerk's budget, and they should be moved under DPW so it's all under the control of one unit, and things can be handled, and there would be communication between these two departments. This is the petition, all being Suffolk County residents. Again, this was just put together just in the past two days, because we came •• this bill came to light that it was coming before you at the Ways and Means. And we would like to put this in support.

CHAIRMAN O'LEARY:

What's the substance of the petition, the base and intent of the petition itself by those who signed it?

MR. HAAS:

The petition is •• the base of the petition is to turn around and have it so that the two security

details that are out there work under one so that they can move forward. There have been what you would call, say, SOP, Standard Operating Procedure, put in place with the Clerk's Office between the title industry. And for some time now, these SOPs have not been followed, no bandage is being issued, no ID badges, so personnel •• people are coming in the building and are in certain areas of the Clerk's Office without proper identification because of these badges not being issued. Again, I believe this is all mainly due to lack of communication. And common sense•wise, as a business person, and many of these people are all business people that are there, we feel that it should be under one control.

Since DPW •• it was assigned to DPW last year, they have implemented their people out there and then you have a separate detail. And since the •• more or less, the title industry has come under the control of DPW with the cubicles and all, there doesn't seem to be really anything right now under the Clerk's budget for these other two security guards at this time to be doing, because like I said, the lack of communication, the Clerk says he no longer has control over what's going on in the record room, then the security guards should go under DPW.

CHAIRMAN O'LEARY:

So is your concern of having one basic responsible unit as opposed to the actual security being provided at your work stations?

MR. HAAS:

Yes. It should be, you know, under one control so that there's one person to report to when there's a problem, yes.

LEG. MYSTAL:

Mr. Chair.

CHAIRMAN O'LEARY:

Legislator Mystal.

LEG. MYSTAL:

We have the County Clerk here, I'd like to hear from him. Do you have any objection to it? Mr. Romaine.

MR. ROMAINE:

Yes, but I'll speak when the Chairman invites me to speak at the right time.

LEG. MYSTAL:

Thank you.

CHAIRMAN O'LEARY:

I think it would be appropriate to have those speak on this issue when the resolution comes before the committee. Thank you very much, Mr. Hass. I have no other cards. On the agenda today, we have a discussion regarding Resolution 2085. I just want to take note, I know Mr. LaValle is here, is Mr. Schneider •• yes, Mr. Schneider is here. Will the two gentlemen come up, please, Mr. Schneider, Alan Schneider, who's the County Personnel Director, Department of Civil Service, Human Resources and Mr. Richard LaValle, the Deputy Commissioner Department

of the Department of Public Works. Good morning, gentlemen.

MR. SCHNEIDER:

Good morning.

CHAIRMAN O'LEARY:

Thank you for appearing here today upon my request regarding Resolution 2085, which is a Charter Law to transfer the print shop from the County Department of Human Resources, Civil Service and Personnel to the County Department of Public Works. As you are probably aware, this resolution has been recommitted to this committee with the intent of determining the need on having the print shop transferred from the authority, responsibilities, of the Civil Service Department to the Department of Public Works. I specifically had asked and requested that Mr. LaValle require the attendance of Mr. Figari, is he here today?

CHIEF DEPUTY COMMISSIONER LAVALLE:

Yes, he is.

CHAIRMAN O'LEARY:

Okay. Thank you very much. All right. So before we get to Mr. Figari who is the head of the print shop, I'd like to address my remarks and questions to Mr. Schneider. Alan, can you tell us briefly whether or not you were apprised of the transfer that did occur with respect to the print shop going from your department to DPW, and if so, when were you apprised? We'll just take it from there as far as any follow up questions.

MR. SCHNEIDER:

I was apprised •• I don't recall when I was apprised, but somewhere during the later portion of the budget cycle. I was told that the print and mailroom were going to move back to Public Works from where it came.

CHAIRMAN O'LEARY:

The print shop had been under your authority, for lack of any other descriptive phrase, since when? I believe it was in 2001.

MR. SCHNEIDER:

There were a series of moves in the 2001 budget effective January 1 of '01, that moved responsibilities from both the Comptroller's Office and Public Works to the Department of Civil Service.

CHAIRMAN O'LEARY:

All right. So since 2001, the print shop had come under your particular part of your responsibilities and oversight, could you describe just what that oversight was with respect to the print shop and your responsibilities regarding same?

MR. SCHNEIDER:

Well, just like other divisions that are out there such as Telecommunications, Information

Services, it became a division of the Department of Civil Service, and as such, I had full responsibility for everything that transpired within the print shop and the mailroom.

CHAIRMAN O'LEARY:

Okay. The transfer was obviously •• an attempt of that transfer to be made was obviously made in the budget. Were you •• were you advised that this was going to occur? I mean, did you know full well in advance that a decision had been made to attempt to transfer the print shop to DPW or back to DPW?

MR. SCHNEIDER:

What do you mean by advance?

CHAIRMAN O'LEARY:

Well, prior to January 1st of this year.

MR. SCHNEIDER:

Yes. Oh, before January 1st?

CHAIRMAN O'LEARY:

Yes.

MR. SCHNEIDER:

Oh, yes. Absolutely. I knew somewhere •• I was apprised somewhere in the fall of '04 ••

CHAIRMAN O'LEARY:

Okay.

MR. SCHNEIDER:

•• in the later part of the budget process that the print shop and the mailroom were headed back to Public Works.

CHAIRMAN O'LEARY:

Was it at your request that the print shop be taken out of your area of responsibility and put into DPW?

MR. SCHNEIDER:

No.

CHAIRMAN O'LEARY:

It was not? Okay. Mr. LaValle, was it at the request of DPW that the print shop be brought back under their authority and auspices?

CHIEF DEPUTY COMMISSIONER LAVALLE:

Not that I'm aware. I really have no knowledge as to the request at all. I know we •• it was discussed with us, and we thought it was a good idea, because the print shop actually was under our jurisdiction for a number of years prior to it being transferred to the Civil Service.

CHAIRMAN O'LEARY:

All right. Part of the reasoning why this resolution, this Charter Law change, if you will, was placed back to the committee for review was the fact that the process, in the opinion of some on this body, has not been completed, the process being the Charter Law change, has not come to fruition to complete the process of transferring one agency or department within the County to another. Are you aware of that process, sir?

CHIEF DEPUTY COMMISSIONER LAVALLE:

Yes.

CHAIRMAN O'LEARY:

How that works?

CHIEF DEPUTY COMMISSIONER LAVALLE:

Yes.

CHAIRMAN O'LEARY:

All right. Are you also aware that the Legislature has not approved the Charter Law change?

CHIEF DEPUTY COMMISSIONER LAVALLE:

Yes.

CHAIRMAN O'LEARY:

So what is your opinion regarding that? Until such time as that Charter Law is changed, do the employees and personnel assigned to the print shop come under the responsibility, authority of DPW or are they still under the responsibility of Civil Service?

CHIEF DEPUTY COMMISSIONER LAVALLE:

Well, the 2005 budget adopted by the Legislature approved funding and approved the transfer of personnel to Public Works. And right now, that's where all the funding is, is in Public Works and not in Civil Service. So either we operate it as a responsible agency or we shut down the whole operation. Now, the administration had submitted a resolution in November of last year in order to align both the Operating Budget and the Charter at the same time anticipating there may be a problem. And unfortunately, the Legislature hasn't acted on this resolution until now, which puts it in this alignment.

But this wasn't unusual, it's happened in previous years. It's very difficult to kind of balance the two out. And it hasn't been a problem in the past. I'm not aware of the Legislature every commenting or having a problem with such a misalignment in past transfers.

CHAIRMAN O'LEARY:

Would you not agree that the process has not been completed, that the Charter Law, the appropriate Charter Law change has not been resolved?

CHIEF DEPUTY COMMISSIONER LAVALLE:

No, it hasn't. Obviously, it has to be transferred per law. But I'm not in a position to answer those kinds of questions. I think that that's a question that really has to be addressed by the County Attorney.

CHAIRMAN O'LEARY:

Okay. I take note of the fact that there's a rep from the County Attorney's Office here.

CHIEF DEPUTY COMMISSIONER LAVALLE:

I can answer the technical issues, but when it comes to the legal issues, I think you need to address the County Attorney's Office on this manner.

CHAIRMAN O'LEARY:

I think Legislative Counsel wishes to make a statement.

MS. KNAPP:

This is of question that I have researched, because it's clearly been an issue that both sides, the Executive and the Legislative sides, have wrestled with. And there is a Court of Appeals case that speaks to it very directly and says that even when a Legislature moves money, if they haven't taken the appropriate legislative action, it doesn't count. So I think it's clear that while the Legislature moved the money, until you do the appropriate legal action, that is a Charter Law, you haven't effectively moved it.

CHAIRMAN O'LEARY:

I'm not finished. Are you aware of a memo that was passed on to employees of the print shop by Commissioner Bartha dated December 28th of '04?

CHIEF DEPUTY COMMISSIONER LAVALLE:

Yes, I am.

CHAIRMAN O'LEARY:

And basically the content of that memo was welcoming back the employees to the print shop.

CHIEF DEPUTY COMMISSIONER LAVALLE:

That's true.

CHAIRMAN O'LEARY:

And that was done based on past experience?

CHIEF DEPUTY COMMISSIONER LAVALLE:

Well, anticipating that everything would work out as it has in the past. And also, it's good management. That's what we do at Public Works, we manage well, and we plan ahead, and what we're doing is planning ahead with bringing the support services group on board. They've been in our building for many, many years, so we have a close association with them.

CHAIRMAN O'LEARY:

So as of January 1st then, the personnel assigned to the print shop were moved under the auspices of DPW?

CHIEF DEPUTY COMMISSIONER LAVALLE:

It's a paper move, yes, basically.

CHAIRMAN O'LEARY:

Paper move, files, personnel files, etcetera?

CHIEF DEPUTY COMMISSIONER LAVALLE:

Well, they are there. They haven't moved at all. I mean, they haven't picked up and moved any place.

CHAIRMAN O'LEARY:

Who are they •• who do they report to? Who are they responsible to now?

CHIEF DEPUTY COMMISSIONER LAVALLE:

Commissioner of Public Works, in our opinion.

CHAIRMAN O'LEARY:

Since January 1st?

CHIEF DEPUTY COMMISSIONER LAVALLE:

Since January 1st.

CHAIRMAN O'LEARY:

So since January 1st, the employees of the print shop have been under the direction of the Commissioner of Public Works?

CHIEF DEPUTY COMMISSIONER LAVALLE:

That's my understanding.

CHAIRMAN O'LEARY:

And, Mr. Schneider, is that your understanding as well?

MR. SCHNEIDER:

Yes. Again, as Mr. LaValle stated, in this move, there was a minimum of disruption, minimum of disruption because the print shop and the mailroom have always been located in the Public Works building, and I believe that might have been one of the inspirations to move it back to the responsibility of Public Works. So on December 31st, basically, we said our goodbyes, and on January 1st or the first workday thereafter, they came into •• back under the auspices of Public Works. Nothing changed within the print shop, nothing was packed. They were there, they just continued working. And the only thing that changed was their administrative direction from above.

CHAIRMAN O'LEARY:

So then the obvious question then is that the only reason why the print shop, this is opinion, was changed was because of the physical location of it being right in the building?

MR. SCHNEIDER:

No, I didn't say that. I said that might have been one of the reasons why the move was made back to Public Works.

CHAIRMAN O'LEARY:

But was there •• during the •• since January of '01 when the print shop came under your particular authority, was there any reason to believe that the job was not being accomplished, that there was a need to do this?

MR. SCHNEIDER:

You mean outside of the Department of Civil Service?

CHAIRMAN O'LEARY:

Yes.

MR. SCHNEIDER:

I wouldn't be able to answer that. I mean, as far as I was concerned, we got it on January of '01, we lost it on January of '05. During the fours years, we administered the operation of two •
• two operations and it ran well.

CHAIRMAN O'LEARY:

Was there •• any at any time during those four years, did you have the authority to review any of the product, the work product, of the print shop, and with respect to that, either kill it in its entirety, editorialize it or whatever, any of the printing that was going out of the print shop.

MR. SCHNEIDER:

Well, I definitely had the authority to do that, however, that's not how I manage an operation. I had left that full discretion with Steve Figari, who was the director of the print shop, that was his operation. I only got if and when there were problems.

CHAIRMAN O'LEARY:

I know that Mr. Figari is here today, and I'll be calling him up very shortly to speak on the print shop. But in your period of time there, in the four years, was there any incident that you can recall that you used your authority intervene with respect to a particular work product that was going to be put together or sent out?

MR. SCHNEIDER:

There were a couple of occasions where Steve would call me because he was getting conflicting requests, sometimes from members of the legislative body, as to order of printing. He would call me up, and there were one or two occasions where I did speak to County Legislators and sometimes other departments that •• just to resolve what I considered to remember minor conflict, minor problems.

CHAIRMAN O'LEARY:

And were they resolved or reconciled to your approval, whatever those minor conflict or problems were?

MR. SCHNEIDER:

Yes, they were resolved.

CHAIRMAN O'LEARY:

All right. So on its face then there seemed to be no pressing administrative reason to move the print shop from under your authority to DPW other than the fact of what's been stated to us in the past, the economies of scale and the physical location of the unit itself.

MR. SCHNEIDER:

Yeah. I also want to say there were probably no reasons to move it to me in the first place.

CHAIRMAN O'LEARY:

Would you care to elaborate on that?

MR. SCHNEIDER:

No. Only the fact that I did in when •• on '00, when this was being discussed in the budget

process, there were a lot of responsibilities and functions moved under my operation. And this was one the function that I didn't think belonged, the print shop and mailroom is primarily a blue collar operation, and I didn't see the connection between the print shop and the mailroom and the Department of Civil Service and Human Resources. But the Legislature decided to move it, and I accepted it, and we did the best job we could.

CHAIRMAN O'LEARY:

Back then in January of '01, besides the print shop, what are sections, divisions or agencies within the County were moved under your authority?

MR. SCHNEIDER:

At that time, the Safety Office was moved to me, the Employee Benefits, which had prior been in my department and belonged in my department, Risk Management Insurance, Workers Comp was moved to me, the Office of Public Information was moved under my operation along with the print shop and the mailroom.

CHAIRMAN O'LEARY:

All right. And most recently as of January of '05, is the print shop the only department or agency that has been moved from your jurisdiction or authority?

MR. SCHNEIDER:

The print •• yeah, the print shop and the mailroom are the only divisions that have been moved out.

CHAIRMAN O'LEARY:

All others that came under the umbrella of your authority in January of 2001 still remain there?

MR. SCHNEIDER:

Yes.

CHAIRMAN O'LEARY:

Okay. Any questions of •• yes, Legislator Mystal.

LEG. MYSTAL:

Good morning. I know you cannot answers the questions of the way I'm going to ask them. In 2000 I was around, and I remember it was a very political move to move a lot of those departments under your jurisdiction at that time. You don't have to answer that, I don't want to get into politics.

MR. SCHNEIDER:

That I don't know the answer to.

LEG. MYSTAL:

I don't want you to get involved in that. But from what you are saying in terms of background information, a lot of different divisions were moved from other places under you, and it was a routine move, it was no big deal, nobody squawked about it then. Do you remember any kind of debate?

MR. SCHNEIDER:

Well, it was a big deal to me, because it virtually doubled the size of my operations.

LEG. MYSTAL:

Yeah, it gives you more responsibility, I understand that. But at that time, in 2000, because Legislator O'Leary is talking about 2001, but it was really done in the 2000 budget, you know, you just took it over in 2001. At that time, you didn't ask for them.

MR. SCHNEIDER:

That is correct.

LEG. MYSTAL:

You didn't want them.

MR. SCHNEIDER:

Don't say that. Don't say that. Employee Benefits, Employee Benefits, I want to say, and I'll say it on the record, never should have been taken away from the Department of Civil Services. It was, it was put back, it belongs in this department.

LEG. MYSTAL:

But the print shop in particular wasn't something you particularly •• you just said you didn't see as part of your purview, it didn't fit, so to speak.

MR. SCHNEIDER:

No. The other functions, Elie, Legislator Mystal ••

LEG. MYSTAL:

Elie is fine.

MR. SCHNEIDER:

•• Workers Comp, Risk Management, the insurance factor, Safety Office, I mean, you can all make a connection that they belonged in an umbrella of Human Resources. The only one that I didn't think belonged was the print shop and the mailroom.

LEG. MYSTAL:

Okay. And other part also is the print shop physical plant never moved from where it was, it stayed in DPW.

MR. SCHNEIDER:

Yeah. Well, they had all their equipment, all the printing presses, and the space, obviously I don't have space here. But whenever a function has been moved under my operation, whether it be these functions or back in '95 when Telecommunications and MIS were moved under me, the functions stayed where there were, it was just the administrative direction from the top that was changed.

LEG. MYSTAL:

So the problem we are having now is one of our making, by that I mean, the Legislature approved it in the budget, and now refuses to approve the Charter Law. So it's basically our own •• we made it, we made that problem, we created that problem, because in the past when we have done that, when we have moved a department or division from one place to another, we do in the budget and we also need a Charter Law to do it. This time around, we created the problem by approving it in the budget, but not approving the Charter law.

MR. SCHNEIDER:

Correct.

LEG. MYSTAL:

So it's really not your problem. Why you are here, I don't understand you being questioned, but that's a different story.

CHAIRMAN O'LEARY:

Yes, it is.

MR. SCHNEIDER:

I like it when the Legislature blames itself and not me.

LEG. MYSTAL:

It is our problem, because we created it. We passed it in the budget and then somehow now we are reluctant to pass the Charter Law. You know, we are being stupid. Okay, so that's basically the point. Now, to Mr. LaValle, Counsel to the Legislature just said that if we don't approve the Charter Law, it doesn't count. My question to Counsel, how do you expect to pay these people? If it doesn't count •• the money is in the budget of DPW, the people are working for the County, the budget lines are there for them to be paid under DPW, but you say it doesn't count. How are they to be paid or do they have to shut down the operation?

MS. KNAPP:

The Court of Appeals of this state doesn't usually deal with those kinds of issues. When they made this decision, it was clear to me that the State of New York must act in a similar fashion, because the decision centered around a move that the Legislature had made in the State budget, and then apparently changed their minds about and refused to enact the enabling legislation that was necessary. And the issue that was brought to the Court of Appeals by Saratoga County centered on did it happen or didn't it. And the Court of Appeals said, well it may have happened in the budget, but that wasn't enough, so that it did not happen.

The legal answer from the Court of Appeals is very clear. However, you ask a very administrative question, and I suppose I should maybe defer to Budget Review. I assume that the Public Works Commissioner has to sign their timesheets because the budget is the way it is. However, the question of who legally directs them, I believe, is answered by •• it's unfortunately, Mr. Schneider. At least it appears that that's what the court would say.

LEG. MYSTAL:

We seem to have a conundrum, because if you are saying that the Department of Public Works has to sign the timesheet in order for them to get paid, which means they are basically responsible for their time and working hours, but you are saying that it seems that Mr. Schneider has administrative control over them because we don't have a Charter Law •• I know we do crazy things around this horseshoe, but Jesus. Mr. Spero, lead me somewhere.

MR. SPERO:

I'll give you my opinion. As Mia point out, technically, the print shop is still under the auspices of the Department Civil Service, because the Charter Law has not been approved as yet. I would think technically, the employee positions and the appropriations are in the budget, granted the budget shows them under the Department of Public Works, but technically, they're still under the Department of Civil Service, so it would be ••I don't see any problem with paying the people; the appropriations are there, the positions in the budget, so the people continue to be paid. However, since the transfer has not officially been made, I would say at this point, timesheets should still be signed by the Department of Civil Service.

LEG. MYSTAL:

Okay. Timesheets would be signed by ••

CHIEF DEPUTY COMMISSIONER LAVALLE:

I would have to say, we would be very reluctant to sign timesheets for a section or department for which we didn't have any oversight.

LEG. MYSTAL:

I do understand that. My thing, and, Jim, you just said that, you know, the timesheets should be signed by Mr. Schneider, but the budget is under DPW, so in other words, the Commissioner of Public Works is responsible for that budget. So now are you telling Mr. Bartha to, okay, pay these people, but you don't have anything to do with them, Mr. Schneider says, okay, I'll sign the timesheet, but I don't have any control over the money.

MR. SPERO:

It's a stick key situation, but the Charter •• the law •• the Charter controls where the division is located.

LEG. MYSTAL:

Yes.

MR. SPERO:

It's not the budget that controls it, as Counsel said.

LEG. MYSTAL:

I'm agreeing with Counsel in terms of the appeal and everything like that, but my problem is these people still working.

CHAIRMAN O'LEARY:

And they're still getting paid.

LEG. MYSTAL:

They have to get paid, but in order for them to get paid, they have to be you supervised. You just can't say I'm going to say I'm going to pay you, but there's no supervision. Now, does the supervision belong to Mr. Schneider, or does it belong to Mr. Bartha? Mr. Bartha has to pay them out of his own budget line, but Mr. Schneider has to sign the timesheet, because technically he is responsible.

CHAIRMAN O'LEARY:

I think, Legislator Mystal, the lesson being learned here is that one should go hand in hand with the other. During the budget process, perhaps there should be some consideration for the Charter Law to be changed synonymously with the budget. Now, that didn't occur, and I think the one ••

LEG. MYSTAL:

And it's our fault.

CHAIRMAN O'LEARY:

Well, if you want to point fingers.

LEG. MYSTAL:

It's not them.

CHAIRMAN O'LEARY:

No. No. Certainly they're not at fault. Perhaps it was an oversight on our part in not doing that, but until such time as that is accomplished, where the Charter Law is changed, technically, technically, the departments are under the control and auspices of where this were previously assigned, for lack of any other descriptive phrase. And we are trying to work this out. It's something that we have had some dialog with the Executive's Office, most recently as of last week. So it's something we're trying to do, it's just the •• I mean, the individual, the employees, will get paid no matter what. It's a question of completing the process, and that has not been done. I think all parties agree that the process has not been completed, and until such time as it is completed, we are going to have these problems, one of control and administrative responsibility with respect to the agency itself. So with that in mind ••

LEG. LINDSAY:

Mr. Chairman, can I say something?

CHAIRMAN O'LEARY:

The Chair recognizes Mr. Lindsay who is not necessarily •• he is a not a member of this committee.

LEG. LINDSAY:

I'm a visitor. I admit I'm a visitor.

CHAIRMAN O'LEARY:

Before you do, is there any other member of the committee who wishes to say anything or question these two witnesses before we get to Mr. Lindsay? Okay. Legislator Lindsay.

LEG. LINDSAY:

Forgive me, because I've been biting my tongue, and it's starting to swell. I mean, it's obvious, we either pass this Charter Law or realign the budget, but to leave it in the state it is now is just confusing to everybody.

CHAIRMAN O'LEARY:

I agree with you. And as we attempted •• we can only amend the budget so many times per

year. Again, this was an oversight on our part, not addressing this issue in the period of time in February that we could have addressed this issue for amending the budget.

LEG. LINDSAY:

So we can pass the Charter Law now.

CHAIRMAN O'LEARY:

We can. But the question is do we want to.

LEG. LINDSAY:

If you really wanted to, you would.

CHAIRMAN O'LEARY:

I agree. Are there any other questions of Mr. Schneider or Mr. LaValle? Thank you very much, gentlemen. I'd like to have Mr. Figari come up, please, now to speak on the print shop itself. Yes. Jim.

MR. SPERO:

I'd just like to make a point. I believe the Charter requires that the Charter be amended prior to

any transfers being made in the budget. By doing the transfers in the budget, you're really putting the cart before the horse. First, there should be a Charter amendment that realigns a function, and then the budget should follow afterwards, not the other way around.

CHAIRMAN O'LEARY:

All right. So in other words, the Charter Law should occur prior to or in conjunction with?

MR. SPERO:

So in other words, if the Charter Law has not been made, adopted, the budget shouldn't be changed to reflect the transfer of the function, whatever that function may be.

CHAIRMAN O'LEARY:

Mr. Schneider.

MR. SCHNEIDER:

Can I just add, in all due respect to, you know, what Jim Spero is saying here, the problem is that it was done. These people were moved to Public Works on January 1st. And since then, their timesheets, their payrolls, have been signed by the administration of Public Works. It's not only that, but there are weekly bills that come out of the print shop and the mailroom for all the materials they use, there are suppliers waiting to get paid. It's one of the things that I did in the oversight of the department was sign those final approvals on those payments. The fact they were already moved, and here in the talk today, I think it would be grossly unfair to the people to now say, well, we are going to move you back to Civil Service because the Charter requires that until we can straighten out the situation. I would prefer that you just left them where there

are until you can straighten out the situation, because otherwise, these people just are getting jerked around. And they have nothing to do with this, it's not their fault. And I would •• that's my suggestion. I thank you.

CHAIRMAN O'LEARY:

And I cannot agree more with you. I think that they should stay right where there are until this matter is resolved. But it certainly appears that unless something happens in short order, it may not be resolved until May. But I agree that they should definitely stay in place under the current set up that they are working under.

MR. SCHNEIDER:

Thank you.

CHAIRMAN O'LEARY:

Legislative Counsel.

MS. KNAPP:

The only comment I would make is that I certainly don't disagree with Budget Review, it would have been better to pass the Charter Law first and then to have amended the budget, but I really have to point out, it's not the first time it happened. There was a situation, I think, in 2003 where a Department of Aviation was created in the budget, and there was never a Charter law. At the end of one year, they moved back to the Department of Economic Development, so that they were never ultimately created in a Charter Law. So it's not the first time that it happened.

And as I pointed out, it obviously happens at other levels of government, it seems to have happened in the state. Lastly, I point that that the budget amendment can be amended by the County Executive any time in any cycle. And the next opportunity for a Legislator to do it is in May.

CHAIRMAN O'LEARY:

Thank you very much, gentlemen. Mr. Figari, could you come up, please. Mr. LaValle, I suggest maybe perhaps you stay up here with Mr. Figari.

CHIEF DEPUTY COMMISSIONER LAVALLE:

I planned to do that.

CHAIRMAN O'LEARY:

Okay.

MR. FIGARI:

Good morning.

CHAIRMAN O'LEARY:

Good morning, sir. Could you just give your name and title for the record, please.

MR. FIGARI:

Steven Figari, General Services Manager.

CHAIRMAN O'LEARY:

And in that title of General Services Manager, it is your responsibility to •• to oversee and supervise the print shop?

MR. FIGARI:

Yes.

CHAIRMAN O'LEARY:

All right. Can you just give an overview of the responsibilities of the print shop, any guidelines and the amount of employees that are there, etcetera?

MR. FIGARI:

The print shop also contains the mailroom. There's a total of 24 employees including myself. We are responsible for printing •• actually I should say graphics work, printing, bindery work for all the County departments, with the exception of the Suffolk Community College, and we

operate a mailroom in Hauppauge in the H. Lee Dennison Building, we pick up US mail and interoffice mail for most of the County departments in the Hauppauge area and throughout the County. We operate a courier service between Riverhead and Yaphank and Hauppauge and Central Islip. And we run a central store, which we print •• we preprint and stock numerous County forms that are used by all County departments, like timesheets, leave slips, things of that nature.

CHAIRMAN O'LEARY:

How many people •• employees are assigned to the print shop?

MR. FIGARI:

To the print shop itself are 14.

CHAIRMAN O'LEARY:

Fourteen? And they basically •• the individuals obviously who perform the labor function of the printing and the mailings and what you just cited are the responsibilities of the print shop?

MR. FIGARI:

Correct.

CHAIRMAN O'LEARY:

All right. With respect to, not internally, but any external outside the County auspices of mailings, are there particular guidelines and rules that are used with respect to any mailings that go out from your print shop?

MR. FIGARI:

Yes.

CHAIRMAN O'LEARY:

And what are they?

MR. FIGARI:

We have a bulk mail permit established at the Smithtown Post Office. And basically what we do is we do the printing of those mail pieces, but we don't do the processing of the mail pieces or the actual mailing of the mail pieces, typically. You know, for 95% of the mailings that are done, they're done for the Legislature. We do the printing, you know, like, newsletters. We do the printing of the newsletters, but we don't actually do the processing for the piece for mailing.

CHAIRMAN O'LEARY:

All right. You mentioned that 95% of the mailings that go outside the department agencies or departments themselves, basically mailing that go to the citizenry of Suffolk County is from the County Legislators?

MR. FIGARI:

Connect.

CHAIRMAN O'LEARY:

All right. Are you familiar with the guidelines that are in place for County Legislators with respect to mailings that go out, specifically with respect to the content of those mailings?

MR. FIGARI:

Yes. Basically, you know, what •• our guidelines are basically that these mailings have the approvals of the Presiding Officer's Office and Mia Knapp typically signs off on all these pieces before we are allowed to work on them.

CHAIRMAN O'LEARY:

All right. So basically, there is a checks and balances in place for the content of any mailings that go out with the legislative mailings, and that goes through Legislative Counsel. And you would not send those mailings out until such time that that approval is given?

MR. FIGARI:

Right •• well, actually, it's prior to that, it's in the printing stage. We don't actually begin working on the printing part of it.

CHAIRMAN O'LEARY:

Right.

MR. FIGARI:

You know, without those approvals.

CHAIRMAN O'LEARY:

All right. Now, I mean, one of the reasons why I asked you to come here today, and I hate to put you on the spot with respect to these questions that I'm posing to you, but obviously, as the person in charge of the print shop, you obviously have the most knowledge, institutional knowledge, with respect to the role of the print shop, the responsibilities and the guidelines that are in effect. To your knowledge, sir, now you said that maybe 90, 95% of the mailings that go out from the print shop outside within the County auspice departments are the result •• the product of the County Legislators. The other •• the other, say, five or 10% goes where?

MR. FIGARI:

It's the Labor Department, and just recently, we had a mailing for the County Executive's Office. We don't now do it, but in prior years, we used to do bulk mailings for the Health Department.

CHAIRMAN O'LEARY:

All right. So other than •• other than the Legislative mailings, the mailings that come under that five or 10% are Health Department that you no longer do, you say?

MR. FIGARI:

Correct. Not in several years.

CHAIRMAN O'LEARY:

Department of Labor. What would be a typical mailing that would go out for the Department of Labor?

MR. FIGARI:

They do some employer surveys that they send out to businesses in Suffolk County. I'm not really sure exactly.

CHAIRMAN O'LEARY:

Do any guidelines or rules apply to those mailings from the Department of Labor? Is there a checks and balances in place with respect to the content of those mailings?

MR. FIGARI:

You know, I review personally every job that gets printed in the print shop. If there was something that I felt was •• that shouldn't be printed with government funds, I would refer to my supervisors.

CHAIRMAN O'LEARY:

Then, I guess, perhaps we should get right to point. You also mentioned the County Executive's Office, how long have you been the supervisor of the print shop?

MR. FIGARI:

For about 25 years.

CHAIRMAN O'LEARY:

Twenty five years. And in that period of time in 25 years, how many mailings have been generated out of the County Executive's Office, to your knowledge?

MR. FIGARI:

To my knowledge, just one.

CHAIRMAN O'LEARY:

And what was that?

MR. FIGARI:

That was a mailing that was sent out recently.

CHAIRMAN O'LEARY:

The mailing that was sent to the Huntington residents?

MR. FIGARI:

Right.

CHAIRMAN O'LEARY:

So to your knowledge, the only time in the last 25 years that a mailing went out from the County Executive's Office through the print shop was the one that was recently sent out last week to the Huntington residents?

MR. FIGARI:

To the best of my knowledge, yes.

CHAIRMAN O'LEARY:

Now, with the understand that there's a •• that the legislators have to have Legislative Counsel review the content of that, is there the same •• being an elected official, would the County Executive have someone who has to review the content of that particular mailing as to whether or not it was appropriate to be sent out?

CHIEF DEPUTY COMMISSIONER LAVALLE:

He wouldn't have that information.

CHAIRMAN O'LEARY:

Let me ask more specific ••

CHIEF DEPUTY COMMISSIONER LAVALLE:

That's a review process that would take place in the County Executive's Office.

CHAIRMAN O'LEARY:

Let me ask a specific question of Mr. Figari. You said previously that if the content of a particular mailing was unusual and drew your attention, you would •• you would go to your supervisor or your bosses, correct?

MR. FIGARI:

Right.

CHAIRMAN O'LEARY:

Did that occur with respect to the mailing that occurred last week to the Huntington residents?

Good morning, Mr. Zwirn.

MR. ZWIRN:

Good morning, Mr. Chairman.

MR. FIGARI:

Yes. However, it came •• it came from the opposite way. Instead of it coming into me directly and I questioned it, it actually came from the administration. So there was no reason for me to question it.

CHAIRMAN O'LEARY:

All right. So I'm not •• just so I understand what you are saying then, you •• the mailing itself was brought to your attention to be •• for the job to be put out, you obviously saw the content of it, did you question it or did you just do the work order?

MR. FIGARI:

You know what? I mean, I read it, and I didn't see a problem with it. You know but again, I'm working under the auspices of Public Works.

CHAIRMAN O'LEARY:

I understand that. I understand that. And again, I don't want to apologize, but basically, you are the supervisor of the print shop, that particular mailing, and Mr. Zwirn is keenly aware of this, that particular mailing raised the eyebrows of I and some individual Legislators. And we thought it appropriate that through this committee that it be addressed. And you've basically stated that to your knowledge in 25 years of being supervisor of the print shop, a mailing for the County Executive's has never occurred. And more specifically, to your knowledge, has there ever been a mailing other than the County Legislators that send out mailing to their specific constituents within the district that they represent, has there ever been a mailing that was sent out from any outside entity to a select target group within the County?

MR. FIGARI:

No, not to the best of my knowledge, no.

MR. ZWIRN:

Can I ask a question, because I don't know •• I understand that when Legislator Crecca was on the board, he sent out mailings to the people about the sound wall barriers, about the Smithtown Trailer Parks. And Legislator Binder sent out a mailing that was targeted to people in the community because the County Executive hadn't taken action to take over some property.

CHAIRMAN O'LEARY:

Was that, Mr. Zwirn, with their district or County•wide?

MR. ZWIRN:

Within their district.

CHAIRMAN O'LEARY:

And the point being that it was reviewed by Legislative Counsel as to content, whether or not it was appropriate to sent those mailings out. Well, let me ask a more specific question to you, Mr. Zwirn. We determined that this particular mailing that went out to the Huntington residents is the first, a precedent has been set by the County Executive's Office in sending out a mailing to a select targeted group within the County. It has never been done before.

MR. ZWIRN:

Well, perhaps it should have been done before.

CHAIRMAN O'LEARY:

But it hasn't.

MR. ZWIRN:

I'm just saying. I mean, you have County Executives in the past who may not have been as proactive and didn't feel they had to reach out to community in this way. But I would ask, did you think that that mailing was inappropriate?

CHAIRMAN O'LEARY:

Well, I'm trying to determine whether or not there was a checks and balances similar to what we have. I mean, did the County Attorney's Office review of content of that letter?

MR. ZWIRN:

I don't know, but I doubt it. I don't think there was anything in there ••

CHAIRMAN O'LEARY:

Well, why then ••

MR. ZWIRN:

Even Mr. Figari, who's in Civil Service, been there's 25 years, looked at that and saw no harm in it. I've seen it since, I hadn't seen it before, and the reason I hadn't seen it before, I presume, is I don't live in Huntington. But I think it was •• you know, personally, I've been a Chief Executive of a town, and I can remember I was loathed to send out anything. I mean, I closed the print shop in my town. But there were times when I had to send out a mailing to a community because the people were concerned about a rumor that had spread. And I think this is a public safety issue, and I think the County Executive responded in a measured way. I understand that there's differences of philosophy where the print shop should be, and I understand that was the focus of this discussion.

CHAIRMAN O'LEARY:

I'm talking specifically about process. I mean, why would •• why would there be a double standard with respect to mailings of elected officials? County Legislators have one stand and the County Executive has another. Our mailings are reviewed by Counsel and by others. And if it's

determined that the content is not appropriate, then there's changes made, amendments made to the actual language of the mailing itself. This apparently is not the case with respect to the County Executive's Office if he sends out a mailing. There's no •• is there another authority, and I think the most appropriate one would be the County Attorney's Office, we have Legislative Counsel reviewing our mailings, perhaps the County Attorney's Office should review the County Executive's mailings to see whether or not the content is appropriate, and the key work, nonpolitical in nature.

MR. ZWIRN:

What I think would be helpful is perhaps get copies of all the mailings that have gone out from the print shop in the last year or two ••

CHAIRMAN O'LEARY:

Well, we've determined that none have •• but we have determined that none have gone out from the County Executive's Office. This is the first.

MR. ZWIRN:

But the County Executive doesn't review certainly any of the printed material that comes out on behalf of the Legislature, does hold a veto, doesn't edit it, doesn't look at it, never has, as far as I know, when it was under Civil Service or when it was under Public Works as it is in the budget now. And not that they would every suggest that they would do that.

But I think it would be helpful, you know, for public accounting, to take a look at all the mailings that have been approved by Counsel to the Legislature and what the County Executive has sent out in the last year and a half or the last year and several months and take a look. Take a look

and see what we have and do an examination and also look at the costs of all this mail that's going out and what it costs the taxpayers and how much of it •• you know, I think the concern on your part is about the politization of the mailroom and to make sure it's not used for political purposes.

But the Legislature itself has changed the rules, I think, over the last year or two about the timing of mailings. I think every Legislator is given the right to two mailings to their district a year. And I think the date that has •• the date of an election is now moved closer to the time the mailings can be sent out. And, you know, is that a question of politization? The County Executive hasn't, you know, gone into this and tried to, you know, you know, raise a red flag. And I think, in this case, I understand that there's a difference of philosophy with where the print shop should be.

The County Executive's position on this, and it was adopted in the budget, and he had every indication at that time that the Legislature was going to pass the companion Charter Law once they approved the budget with the print shop under Public Works, because physically, it made sense. It had been there in the past. It is physically in the Public Works Building in Yaphank and under their control.

CHAIRMAN O'LEARY:

Can you explain then, Mr. Zwirn, why the other agencies that were transferred under the responsibility of the Director of Personnel of Civil Service were not as well moved to DPW that came from DPW in 2000, effective January 2001? Why was it just the print shop?

MR. ZWIRN:

I think it was because it was physically there, and he's just streamlining the operation. I don't know if there was any surreptitious reasons to put it there.

CHIEF DEPUTY COMMISSIONER LAVALLE:

What others agencies were transferred from Public Works or to Public Works?

CHAIRMAN O'LEARY:

I think Mr. Schneider, if I remember his testimony ••

MR. ZWIRN:

You mean back in 2000?

CHAIRMAN O'LEARY:

Yeah.

CHIEF DEPUTY COMMISSIONER LAVALLE:

No, none of them.

CHAIRMAN O'LEARY:

In January of 2001, there was •• besides the print shop, there was a whole host of other agencies.

CHIEF DEPUTY COMMISSIONER LAVALLE:

But not from Public Works. They didn't come from Public Works.

MR. ZWIRN:

Physically, this operation is right there. And that's where Mr. Figari used to work, in Public Works. You know, Bartha, who is the Commissioner, was appointed by the last County Executive. You know, it's not somebody •• where we have somebody who is partisan who is going to sit there and start editing the newsletters or the mail going out from the Legislature.

CHAIRMAN O'LEARY:

I think the point that we were attempting to •• the information we were attempting to glean from Mr. Figari had been determined, and basically, there has been a precedent set with this County Executive's mailing.

MR. ZWIRN:

Well, that's unfortunate for previous County Executives, because I think •• I think that the County Executive has got to be out there talking to the people in the community. And I think in this particular case, there were rumors spreading through the community that they had no police protection being spread by very responsible people of this community. I think the County Executive had an obligation to respond. I mean, he responded in person, and then he responded

through a very limited mailing to the people in that particular police district.

CHAIRMAN O'LEARY:

So then a target group wasn't necessarily the residents of the Town of Huntington, it was residents ••

MR. ZWIRN:

Well, it may not have been able to be determined •• it may have gone out to the people in the Town of Huntington because that's the only subgroup that they could have identified for the mailing, but I think it was not sent out County•wide.

CHAIRMAN O'LEARY:

No. Well, that's obvious. I think •• I think if we ••

MR. ZWIRN:

And the County Exec's not up for •• not up for election this year.

CHAIRMAN O'LEARY:

Of course not.

MR. ZWIRN:

But the suggestion that this was political, I think it was educational. You now, you could argue that everything is political. I think this is a measured response.

CHAIRMAN O'LEARY:

But there's •• to get to the point of the content of the particular mailing, there's some question as to the validity of the statements made in that mailing as well as the statistics that were given. And that's been an ongoing probe, if you will, by the task force committee on staffing on the discrepancies with the statistics. And when something like this goes out to the general public, you would think that it would be an attempt to be more accurate in its content with respect to the numbers that were put out.

MR. ZWIRN:

Are you suggesting if the numbers had been different then it would have been okay?

CHAIRMAN O'LEARY:

I'm not saying that. I'm not saying that. But certainly, there's no question in my mind, if you look at the content of that letter, there's not one Legislator that sits on this body that would have been permitted and allowed to send out a mailing of that nature. And my point to you ••

MR. ZWIRN:

I don't know that.

CHAIRMAN O'LEARY:

I can tell you for certain that that would not have occurred.

MR. ZWIRN:

But there have been letters that have gone out ••

CHAIRMAN O'LEARY:

There's the impression of some that this was a most political message being sent out to the residents of the Town of Huntington. But going further than that, there's •• it's not just the residents of the town, we have since learned that it could very well have been the residents residing in the area of the Second Precinct, the areas covered by the Second Precinct, which include portions of the Town of Smithtown as well.

MR. ZWIRN:

Well, that would make sense.

CHAIRMAN O'LEARY:

Because that was a targeted group.

MR. ZWIRN:

Well, that's where the information that was coming from the police unions was being disseminated as well.

CHAIRMAN O'LEARY:

Yeah, but not at taxpayers' money. Not at the cost of taxpayers' dollars.

MR. ZWIRN:

But it wouldn't matter if it was coming from taxpayer's money or not.

CHAIRMAN O'LEARY:

Yes.

MR. ZWIRN:

No, it wouldn't.

CHAIRMAN O'LEARY:

If it's political in nature, and there are some who think this was, it certainly is a point.

MR. ZWIRN:

If it causes panic and concern in the community, the County Executive has to use the tools at his disposal to try to get a message out there to calm everybody down. And I think this was a very measured response. I think if you look at the amount of money, I think, that is spent at the print shop by all the groups that use it, and I think Mr. Figari had stated that 95% of all the material that comes out of there is generated by the County Legislature. I don't know what the budget is.

CHAIRMAN O'LEARY:

Outside mailings.

MR. ZWIRN:

Outside mailings. I don't how much money is involved there, but I'm sure the percentage of what this was ••

CHAIRMAN O'LEARY:

But there are •• and that's the point, Mr. Zwirn, there are controls in place on the content of those mailings. If this is going to become to a practice of this County Executive in sending out mailings to specific targeted groups, where's the checks and balances, where's the controlling entity that's going to look at the content of these mailings?

MR. ZWIRN:

That's why I think it would be important to take a look at all the material that has been printed. There were very inflammatory letters that were sent out, I understand, by certain Legislators complaining about the County Executive's action. The County Executive did not respond through mailings to those communities. If those were inflammatory and political in nature, then we ought take a look at maybe the checks and balances that the Legislature is using. I don't know for sure, but I would like •• you know, this committee certainly, and under your Chairmanship, would be the appropriate place take a look at everything. Let's put it all on the table and take a look, and not only take a look at what was printed, but how much it costs the taxpayers. I mean, I'm a taxpayer in this County, I'd be curious to find out, you know, what the costs are and maybe some of those costs can be saved.

CHAIRMAN O'LEARY:

Any members of the committee have any questions for Mr. Figari?

LEG. MYSTAL:

No.

CHAIRMAN O'LEARY:

Mr. Zwirn.

MR. ZWIRN:

Yes, sir.

CHAIRMAN O'LEARY:

Did you have any knowledge of where those statistics came from that were used in that particular mailing?

MR. ZWIRN:

I presume they came from the Police Department. As Commissioner Dormer testified the other day before the Public Safety Committee, he's given out these numbers and statistics to a number of groups. I'm sure they were made available to the County Executive.

CHAIRMAN O'LEARY:

But with respect to that particular mailing, he was questioned about that, and he A, claimed he had no knowledge of the mailing nor the content of it, and B, not having any knowledge of the content of it, he was not •• did not know where the statistics came from.

MR. ZWIRN:

I think the statistics were public knowledge. They had been published in the newspapers by that time.

CHAIRMAN O'LEARY:

All of the statistics in that mailing?

MR. ZWIRN:

I haven't reviewed the mailing carefully.

CHAIRMAN O'LEARY:

Well, I think the point that I tried to make today is, A, a precedent was set by the County Executive's Office in sending out a mailing of this nature or any mailing for that matter, because as Mr. Figari has testified, in 25 years, the County Executive's Office has, to his knowledge, never sent out, not only a County-wide mailing, but a mailing to a specific target group within the County. And secondly, even though 95% of the mailings that go out by Legislators, that's obviously overwhelming of all the outside mailings of the print shop, there's a checks and balances in place with respect to the content of it. And we are, we as elected officials, are not allowed with the perceptio, whether it's real or imagined, if it's political in nature, we're not allowed, even words, even key words, we're not allowed to use in our mailings, and that is reviewed by Counsel. And we have to redact those words or phrases in our mailings, because don't want it to be political in nature. And we determined that this particular mailing was not reviewed by any such entity or authority with respect to content. It just •• the print shop was given the order •• oh one other thing, Mr. Figari, is there a priority first in, first out with respect to mailings?

MR. FIGARI:

Yes. Yes.

CHAIRMAN O'LEARY:

And where did this mailing fall into place.

MR. FIGARI:

It's first in and first out as far as printing.

CHAIRMAN O'LEARY:

All right. And where did this mailing fall in place as time coming in and time going out? You received it on what day and it went out on what day?

MR. FIGARI:

We received it on a Thursday and it went out, I'm not sure exactly when it went out.

CHAIRMAN O'LEARY:

Within a short •• within a short period of time?

MR. FIGARI:

Yes.

CHAIRMAN O'LEARY:

Were there other mailings that came in first.

MR. FIGARI:

It was done on a priority non overtime basis, as we do we do •• you know, we do, as I said, printing for all County departments; the Legislature and the County Executive's Office has a lot of jobs that we expedite for, you know, newsletters because they're timely, they are pieces of a timely nature that we ••

CHAIRMAN O'LEARY:

I can appreciate that. But you just stated first in, first out, and this came in and went out immediately. Were there other print jobs that were •• other print jobs requests in before this one came in?

MR. FIGARI:

Yes. We have three or 400 jobs.

CHAIRMAN O'LEARY:

I'm talking specifically Legislative newsletters as opposed to County Executive newsletters. If the •• in the future, if there is a Legislative newsletter to be going out and a County Executive newsletter comes in, then it would just be placed on first in, first out policy, correct?

MR. ZWIRN:

Well, they would have to cancel the Legislative newsletters at that point. Put them on low priority.

CHAIRMAN O'LEARY:

That's a question to Mr. Figari. I mean the point ••

MR. FIGARI:

What we would do in a case like that is we would consult, again, with our supervisor.

CHAIRMAN O'LEARY:

I understand that.

MR. FIGARI:

But we have several presses and we have two folding machines. So typically we work on several Legislative newsletters simultaneously.

CHAIRMAN O'LEARY:

I understand that. Again, I apologize for putting you on the spot like this, but you are the only

one that could have answered the questions that I wanted to pose today.

CHIEF DEPUTY COMMISSIONER LAVALLE:

Remember that Legislators are given the top priority when that information comes in.

CHAIRMAN O'LEARY:

And that's very much appreciated. But we also know ••

CHIEF DEPUTY COMMISSIONER LAVALLE:

It's one of the most quickest turnarounds that we provide. And it's not unusually for us to be contacted by a Legislator who wanted to expedite one of his mailings, and we try to accommodate them as much as we possibly can.

CHAIRMAN O'LEARY:

So was this a request of the County Executive to expedite this mailing? Request it a specific request by the County Executive to expedite this mailing?

MR. FIGARI:

Yes. Yes.

CHAIRMAN O'LEARY:

And you agreed to it, that's fine. But I just wanted to establish the priority of first in, first out, and that is pretty much still in effect, correct?

MR. ZWIRN:

Well, you have to admit, once in 25 years, you might want to give the County Executive some discretion in getting it out, for crying out loud.

CHAIRMAN O'LEARY:

This is the first. Who knows if it's going to be the last. And I think there should be some sort of oversight. If there's oversight of the content for us, there should be oversight for the content for other elected officials as well.

MR. ZWIRN:

I agree. Can I just ask one more time, can we get a copy of all the materials have been printed and have them delivered to the committee so we take a look at the types of things that have been sent out by the Legislature and the County Executive?

CHAIRMAN O'LEARY:

In the last 25 years?

MR. ZWIRN:

No. No. In the last year and a half, since the new Legislature and the County Executive. I mean, I don't know ••

CHAIRMAN O'LEARY:

Well, let's be a little more realistic. Let's not •• how about a copy of the mailings that have gone on from Legislators in the last year •• say six months, because they do •• I think they do what, how many mailings a year?

LEG. LINDSAY:

Two.

CHAIRMAN O'LEARY:

Two mailings a year.

MR. ZWIRN:

But there were letters that have gone out. I mean, certain things have gone out that have not been just newsletters.

CHAIRMAN O'LEARY:

You want to go back specifically to Crecca's time?

MR. ZWIRN:

Judge Crecca.

CHIEF DEPUTY COMMISSIONER LAVALLE:

The newsletters we have, those we have.

CHAIRMAN O'LEARY:

All right.

CHIEF DEPUTY COMMISSIONER LAVALLE:

It's any of the other types of mailings which we may not see.

MR. ZWIRN:

Let's see what we can find.

CHAIRMAN O'LEARY:

Let's do that then. Let's go back •• if the print shop would be kind enough to submit to this committee a copy of the last two years of Legislative mailings. Perhaps then we can compare the content of our mailings as opposed to this initial benchmark type of mailing that just went out from the County Executive's Office. Would that be a problem, sir?

MR. FIGARI:

You know, it might be. We don't necessarily have •• there's a lot of things that we print. You know, there's also a lot of things that the Legislature has like bulk mailing envelopes that we pay for the mailing, but we don't necessarily know what the contents are.

CHAIRMAN O'LEARY:

I'm talking •• I think Mr. Zwirn is talking specifically the newsletters.

MR. ZWIRN:

Whatever it is other than the forms they print for the County and the cost of all this. I mean, even the stamps and the bulk •• the bulk mailings. I think we would all be curious, and whatever it is, it is. I mean, you know, I don't know what the answers are in advance, but I would certainly be curious, and I think County Executive would •• would welcome, you know, putting some light on this and see •• you know, see what's there. Whatever is there is there.

CHAIRMAN O'LEARY:

Well, we certainly don't want to go back the full 25 years.

MR. ZWIRN:

We know what the County Executive in the last 25 years, not much. I mean, in the sense of doing direct mail or contacting ••

CHAIRMAN O'LEARY:

But in the sense of fairness, if you are asking for a prior Legislators mailings, Judge Crecca, perhaps we should also include the County Executive as a Legislator, his prior mailings to his constituents within his district.

CHIEF DEPUTY COMMISSIONER LAVALLE:

That's older than two years.

CHAIRMAN O'LEARY:

I know that. I know that. But maybe one or two just to get an idea. All right. Let's not belabor this point.

LEG. MYSTAL:

Mr. Chair.

CHAIRMAN O'LEARY:

Yes, Legislator Mystal.

LEG. MYSTAL:

I know you stated that in the past 25 years to your knowledge you have not seen any mailing from the County Executive. Could you go back and make absolutely sure of that? Just check yourself back, because you are putting yourself out there in a very broad range saying in 25 years you haven't seen any mailing from the County Executive coming to the print shop. That is a very large long time period. So just to cover you, because, you know, this whole thing has nothing to do with you really. It's a political battle thing, and you are caught in the middle.

MR. FIGARI:

We really only have records going back ••

CHAIRMAN O'LEARY:

Actually ••

MR. FIGARI:

Three years in your office, then we have another three years in archives.

CHAIRMAN O'LEARY:

All right. But the question •• the question that I posed to you was to the best of your recollection. In your 25 years, you don't recall any mailing from the County Executive's Office?

MR. FIGARI:

Correct.

LEG. MYSTAL:

I just wanted to remind you that Mr. O'Leary is a former cop, so he has this, you know, to the best of your ability do you remember. So I just want you to cover yourself, because I don't want you to get caught in this tet a tet we are having around here about this, you know, thing. And this is for the committee, not for you. This whole thing happened because, you know, we are very thin•skinned. We can say anything we want about the County Executive, and we can go out there and take a big billboard and trot it around all over the town, all other the County, but if the man tries defend himself by saying you are all full of bunk, hey, this is what's going on everybody, everybody gets alarmed. Just cover yourself, make sure you don't have anything that someone can come back to you and say, ha, you lied to us. Okay. That's just for you as an employee.

MR. FIGARI:

You know, this is my personal opinion, but I think the County Executive has never sent out a bulk mailing because typically, they are addressing the entire County, and the cost would be prohibitive to send out a County •• wide mailing.

LEG. MYSTAL:

I've been involved in political campaigns, so I know it's prohibitive to do a County•wide mailing. But there may have been instances where the County Executive •• previous County Executives have done small mailings to certain areas, for example, I do a small specific mailing in my office that only deals with men who are 50 and over because we're doing a prostate, you know, kind of thing. It's a very small limited mailing to certain people. So like you said, you know, you print it and put it in the envelope kind of thing. So just make sure of that.

CHAIRMAN O'LEARY:

You should know as well that I am certain based on information that I received that it never occurred with respect to the previous administration. But be that as it may, just •• again, it was just a general statement on your part. We're not holding you to this to. And to allay some of Legislator Mystal's fears for your general wellbeing, we're not going to hold you to •• if it turns out 20 years or 25 years ago, Mr. Dennison or whoever it was, you know, not really not that important. As a matter of fact •• yeah •• can we move this along? Gentlemen, thank you very much. I appreciate you coming down.

All right. We will go to the agenda unless there's anyone wishes to speak to the committee before we go to the agenda. Okay.

TABLED RESOLUTIONS

2085•04. Adopting Local Law No. •2004, a Charter Law to transfer print shop from County Department of Human Resources, Civil Service and Personnel to County

Department of Public Works. (COUNTY EXEC)

CHAIRMAN O'LEARY:

The Chair makes a motion to table, seconded by Legislator Losquadro. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 2085 is **tabled**.
(VOTE:4•0•0•1) (Not present: Legis. Montano).

2222•04. Adopting Local Law No. •2004, a Local Law to authorize conveyance of development rights to Starlight Properties. (O'LEARY)

CHAIRMAN O'LEARY:

As the sponsor of this resolution, I'm going to make a motion to table. I do have a note that the County Attorney's Office wishes to discuss this?

MS. BIZZARRO:

Not if it's going to be tabled.

CHAIRMAN O'LEARY:

Thank you very much. I had some conversation •• you should be aware that I had some conversation recently with the counsel who represents the owner of the properties, and it could very well come to pass that this matter may be resolved within the town itself, and we may not have to pursue it from a County standpoint. So I was happy to hear that. So with that in mind, I make a motion to table 2222, seconded by Legislator Kennedy. On the question of the motion

to table? Hearing none, all those in favor? Opposed? Abstentions? Motion is **Tabled. (VOTE:4 •0•0•1) (Not present: Legis. Montano).**

2296•04. Authorizing the sale of surplus property sold at the November 30th and December 1st 2004 auction pursuant to Local law 13•1976 as per Exhibit A (Omnibus Resolution) (COUNTY EXEC)

CHAIRMAN O'LEARY:

Both the County Attorney's Office as well as Legislative Counsel are of the opinion that we can move this forward. There's a concern about •• Ms. Zielenski, you want to come up, please.

MS. ZIELENSKI:

Good morning.

CHAIRMAN O'LEARY:

Good morning. The total sales dollar wise with respect to these properties is about \$13 million, is it not?

MS. ZIELENSKI:

Just under 14.

CHAIRMAN O'LEARY:

Just under 14 million? And I can respect the fact that there's some concern about those who have submitted legal authorized bids with respect to these properties have some concern about the status of their bids. So as you are well aware, there was an incident that occurred at this particular auction regarding an individual who was excluded from submitting bids. But on the advise of Counsel, both from the County Attorney's Office as well as Legislative Counsel, we are comfortable now in moving forward with this particular resolution. So unless you have anything to add to that, I'm going to make a motion to approve.

MS. ZIELENSKI:

Just to second the motion.

CHAIRMAN O'LEARY:

But you can't do that.

LEG. MYSTAL:

Second.

CHAIRMAN O'LEARY:

On 2296, there's a motion to approve by myself, second by Legislator Mystal. On the question of

the motion? Hearing none, all those in favor? Opposed? Abstentions? 2296 is **approved**.
(VOTE:4•0•0•1) (Not present: Legis. Montano).

2328•04. Creating a Geographical Information Systems Advisory Committee.
(KENNEDY)

CHAIRMAN O'LEARY:

Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, I'm going to request that this resolution be tabled one more cycle. There's some ongoing dialog with the administration. We did do an amendment. I'm hoping that what we can do is move it in the next cycle.

CHAIRMAN O'LEARY:

Motion by the sponsor to table, Legislator Kennedy, seconded by myself. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 2328 is **tabled**.
(VOTE:4•0•0•1) (Not present: Legis. Montano).

1004•05. Amending the 2005 Operating Budget to centralize building security within the Suffolk County Department of Public Works in conformity with the new Title Examiner Policy at the County Clerk's Office. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Mr. Romaine, I take note of your presence here. Do you wish to come up and speak on this issue?

MR. ROMAINE:

Yes. I think Mr. LaValle would like to speak. I'd rather have him speak, because then I can address both the speaker in the public portion and Mr. LaValle.

CHAIRMAN O'LEARY:

Well, Mr. LaValle has spoken previously on this •• on this issue. It's a matter of record in the minutes of previous committee meetings, sir. So I don't think there's any need for him to come up and reiterate what he's already said.

LEG. MYSTAL:

Mr. Chair.

CHAIRMAN O'LEARY:

Yes.

LEG. MYSTAL:

Michael. Mr. O'Donohoe. I just wanted to recognize your presence in the room.

CHAIRMAN O'LEARY:

How did •• Michael, I even missed you.

LEG. MYSTAL:

He happens to be one of my favorite Legislators. And I'm happy to see you. How are you doing?

MR. O'DONOHUE:

I'm very good, thank you.

CHAIRMAN O'LEARY:

Commissioner of Jurors, you're here just as an observer?

MR. O'DONOHUE:

No. I'm here to subpoena all of you.

CHAIRMAN O'LEARY:

We all perform our jury duty when subpoenaed, sir.

MR. O'DONOHUE:

I'm here for the next committee meeting.

CHAIRMAN O'LEARY:

Health and Human Services?

MR. O'DONOHUE:

If you can move this along.

CHAIRMAN O'LEARY:

We're trying to do that right now. We appreciate that. Good seeing you.

MR. O'DONOHUE:

Good seeing you. I always wanted to be back.

CHAIRMAN O'LEARY:

All right. County Clerk, Mr. Romaine.

MR. ROMAINE:

I'll move this along as quickly as I possibly can. Obviously, I have a lot of concerns about this resolution. It was put in without my knowledge by the County Executive, and it is actually an amendment to the budget, because contrary to other such type of resolutions, it is transferring the funds out of my budget, taking money out of the County Clerk's budget and transferring the funds to the Public Works Department. And I think Mr. LaValle or any other administrator would agree, usually when you transfer positions, you transfer the position and you don't take the money from the sending department and give it to the receiving department. I have had a number of people transferred into my office; Ms. Grey who retired, _Joe Olsasa_ , a number of people have been transferred in from other departments, specifically the Sheriff, and no money has come with them. I've had to absorb them into my budget. So, in fact, this resolution is masking itself when its real intent is to amend the 2005 Operating Budget and transfer funds out of the County Clerk's Office into the Public Works Department and should not be considered at this time since it's an amendment to the 2005 budget.

If the County Executive wanted to take my two security guards and transfer them, he should have done that in the Operating Budget when he proposed it last year, he did not. But getting to the heart of the issue, I work from nine from five, most of the people in my office work from nine to five. My office opens at seven o'clock to allow the title searchers who lease cubicles to come in there, and it closes at seven o'clock at night. I have two security guards, they open the building. They get there at 6:30 and open the building at 7:00, and at seven o'clock at night, they tell the title searchers to go home who are still there. It's not surprising to me that many of the title searchers signed petitions hoping that the security would be transferred from the County Clerk's Office to the Department of Public Works in light of the fact that we patrol their activities and make sure that they don't enter the building before 7:00 and don't stay in the building after 7:00.

As far as security badges, the authority for us to issue security badges to title searchers was taken away from the County Clerk's Department by the County Executive and transferred over to Public Works, and that's why our security guards don't do that. We only have two. These guards patrol the county Clerk's Office. The two guards in the security booth at the entrance to the doorway do not, have not patrolled and do not patrol. The guards, however, do communicate constantly about security. Besides that, my guards •• besides patrolling our offices, and which by the way, located in that our department not only do we have the Methadone Clinic and the Probation Department and the Mental Health Clinic, and therefore, have a number of people roaming our halls that could create and do create from time to time problems, my security guards handle the transfer of all monies, which account for approximately somewhere between 1.6 and \$2 million each day. They do all the bank runs for the County Clerk's Office.

Now, I will tell you that when the County Executive proposed this it caught me by surprise. I've been trying to meet and had an opportunity to meet Tuesday with Mr. Law. I've asked Mr. Law to get back to me, unfortunately, because of a series of meetings he did not have an opportunity to communicate with me, but I am trying to communicate with the Executive Department to see if we can fashion some type of compromise on this. So I would ask at this point that this would be tabled. My desire is to try to work with this administration. I'm just surprised. And I would remind Legislative Counsel that this is an amendment to the budget since they are taking, not only the positions and giving them to DPW, but they're also transferring the money out of my budget to DPW and, therefore, amending de facto the 2005 Operating Budget.

CHAIRMAN O'LEARY:

All right. Mr. Romaine, will you keep this committee apprised of the status of your discussions and talks with the County Executive's Office with respect to this proposal?

MR. ROMAIN:

Absolutely. My desire is to try to work with the County Executive in this matter. I just wish that I would have been apprised before the resolution appeared and I was asked to respond to it. I try to convey that sense that, you know, try to work with me on this, and I will work with you on this. I had a very productive meeting, I will say that, with Mr. LaValle yesterday, because I wanted to find out what was happening if they •• the security guards were eventually transferred, what was going to happen to security, who was going to do out bank runs, who was going to protect our office since we have millions of dollars of equipment? And if you know anything about County Offices, when I leave at five o'clock •• I don't, but that's why I know because I stay later •• the custodians come and open up all of our doors. There are people there after that until seven o'clock at night. We have million of dollars of County equipment there that I have concerns about. So i'm trying to work to express some of my legitimate concerns, and of the Executive will work with me, I will try and work with the Executive.

CHAIRMAN O'LEARY:

Legislator Mystal.

LEG. MYSTAL:

Ben, could you try to explain to us why, why we are doing this?

CHIEF DEPUTY COMMISSIONER LAVALLE:

No. We strongly support the transfer of the security guards. The previous resolution have transferred the responsibility for the title examiners to Public Works. The primary reason those security guards are in the Clerk's Office was to monitor the title examiners. So for us to properly monitor the title examiners and provide the appropriate level of security, we should have control

over the security guards. They would work hand in hand with the current security guards which we have in the building at the present time in order to make it a more efficient operation. The security guard in the Clerk's Office is out, we can supplement him with one of our guards.

In addition, we open the building at six o'clock in the morning. Our guards are on duty, they start •• they have split shifts starting at six o'clock in the morning, and it varies. We have three security guards currently on Public Works' responsibility in that building, and so we are there from 6:00 in the morning until 7:00 at night, which would cover the operation that's being handled in the Clerk's Office. The primary reason we haven't issued badges, we're in the process of doing that, we didn't have the equipment, and we're looking to issue badges to control the security guard, and we also want to control the access in the building. Right now, the title examiners have access to the entire building, because they can •• their access cards permit them that type of access, and we think that has to be more restricted primarily for reason that Mr. Romaine had indicated, that they kind of can wander the building, and that we can't have. We need to have them under more tight control, and it's important that we do take those kinds of steps.

We did a very good meeting yesterday, discussed a lot of issues. We're prepared to work very closely with the Clerk, because there is money involved in that area. There are a lot of other issues involved in that area, there's a lot of expensive equipment, there's a lot of expensive things going on, and we just can't have non County employees, basically, with unrestricted access to the area. So I think if some of these other issues, which may be non related to our involvement in this thing can be worked out, I think it is •• it is the most efficient, cost efficient, way to handled this whole operation within the Clerk's Office.

LEG. MYSTAL:

Ben, in light of the fact that County Clerk just stated that he's willing to work out difference, and he does have some concern, because a lot of money goes through his office in that building, so

his concerns are very legitimate in terms of providing security for this thing. In light of what he just mentioned, the fact that he is trying to work with you ••

MR. ZWIRN:

If you want to table this so we can have ••

LEG. MYSTAL:

Table this so you guys can work on it, and you will let us know?

MR. ZWIRN:

Certainly.

CHAIRMAN O'LEARY:

Would you care to make a motion, Mr. Zwirn?

MR. ZWIRN:

Only if I get two mailings.

CHAIRMAN O'LEARY:

There's a motion to table by Legislator Mystal, seconded by myself. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1004 is **tabled. (VOTE:4•0•0•1) (Not present: Legis. Montano).**

1005•05. Requesting legislative approval of a contract award for Unemployment Insurance Administrative Services for the Department of Civil Service, Human Resources. (COUNTY EXEC)

CHAIRMAN O'LEARY:

I'll make a motion to approve. This is time sensitive, so I've been told. Seconded by Legislator Mystal for approval. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1005 is **approved. (VOTE:4•0•0•1) (Not present: Legis. Montano).**

1040•05. Adopting Local Law No. •2005, a Charter Law amending the Suffolk County Charter to require the adoption of a reapportionment plan in a timely manner. (MONTANO)

CHAIRMAN O'LEARY:

We have a request from the Chair (sic) to table this resolution, he is in the process of amending it. Until such time as we see the amendments come forward, I make a motion to table 1040, second by Legislator Mystal. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1040 is **tabled. (VOTE:4•0•0•1) (Not present: Legis. Montano)**

CHAIRMAN O'LEARY:

Ms. Zielenski, would you come up, please. I have a question regarding 1052 through 1055, which are •• the my question to you, Ms. Zielenski, has the reference to the Department of Environment and Energy been taken out of these resolutions?

MS. ZIELENSKI:

I don't know, I've been on vacation. I just came back today.

CHAIRMAN O'LEARY:

I can understand the dilemma that has occurred as a result of this in•house with respect to these resolutions, but we have taken a position with respect to that. And any •• as you are well aware, any resolutions that have reference to a department that we are of the opinion is nonexistent at this point in the resolutions, we're going to be either tabling them or defeating them, so. Did you have any independent knowledge that 1052 through 1055 has been amended?

MS. ZIELENSKI:

No. I'm looking at the backup material that I have available here, and it seems as though it has not been amended.

CHAIRMAN O'LEARY:

All right. Counsel, is there any indications it has been amend with your records?

MS. KNAPP:

No. Actually, the face of the resolution itself, makes reference to the Department of Environment and Energy in two separate •• three separate places.

CHAIRMAN O'LEARY:

I have indicated at the previous committee meeting if there's •• if there's a decision on the part of the administration not to amend that, that I'd be willing to move these resolutions along, to amend them myself with a late starter on the 15th. Is there any objection to your office for me doing that, addressing 1052 through 1055, amending the resolutions only to take out the reference to the Department of Environment and Energy so we can move forward with these?

MS. ZIELENSKI:

I don't feel as though that's my decision to make.

CHAIRMAN O'LEARY:

Do you have opinion on it?

MS. ZIELENSKI:

My opinion is really based on the constituents who are trying to redeem their property.

CHAIRMAN O'LEARY:

Yeah. And that's what I want to focus on as well. And these will be continued to be tabled if there's no move on the part of your office or the Executive's Office to amend the resolution. So what I'm saying to you is I'm willing to do that and do a late starter for the 15th where we can move these out for that purpose without any reference to the Department of Environment and Energy in the text.

LEG. MYSTAL:

Mr. Chair.

CHAIRMAN O'LEARY:

Yes. Legislator Mystal.

LEG. MYSTAL:

Maybe we can table them and ask the County Executive to give a CN on them, because these are, you know, constituents who are try to do this action. They could do a CN by deleting the reference that you are talking about, and I'm practical. It's not going to pass. You know, it's not going to pass, it's not going to go anywhere unless you get your way. So if we can, you know, talk to the County Executive to maybe give a CN for them at our next meeting with those on there, so we can move them along and have the constituent have, you know, what they need without them getting caught up in it.

CHAIRMAN O'LEARY:

Do you understand what Legislator Mystal just said? Can you go back to the Executive's Office and ask for a CN on 1052 through 1055?

MS. ZIELENSKI:

Yes, sir.

CHAIRMAN O'LEARY:

Mr. Zwirn, did you hear?

MR. ZWIRN:

Yes.

CHAIRMAN O'LEARY:

I'm willing to amend it myself through late starters, but if the Executive is willing to do an amended version with a CN, we'll be happy to move it.

MR. ZWIRN:

I'll bring it back. We can always do it by CN.

CHAIRMAN O'LEARY:

Sure. Just make certain that the language is redacted. Okay. So with respect to ••

LEG. MYSTAL:

I'm talking practical.

CHAIRMAN O'LEARY:

I'm just trying to move this. There's no sense in ••

LEG. MYSTAL:

I don't want to punish the constituents out there.

1052•05. Sale of County•owned real estate pursuant to Local law 13•1976 Danielle Banks. (COUNTY EXEC)

1053•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 od the Suffolk County Tax Act, Fen E. Hall as administratrix of the estate of Howard Squires, surviving tenant by the entirety. (COUNTY EXEC)

1054•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Skidmore Samuel and his wife, Melinda Samuel. (COUNTY EXEC)

1055•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Angelo Presti and Dorothy, his wife. (COUNTY EXEC)

CHAIRMAN O'LEARY:

So with respect to Resolutions 1052, 1053, 1054, and 1055, there's a motion to continue tabling by myself, second by Legislator Mystal. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions. Those resolutions are continued in **TABLED status. (VOTE:4•0•0•1) (Not present: Legis. Montano)**

1056•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Susan Meyer. (COUNTY EXEC).

CHAIRMAN O'LEARY:

1056. I'm sorry. I'm sorry. Let me amend that motion to include 1056 as well. 1052 through 1056 will be **tabled**.

1067•05. Adopting Local Law No. •2005, a Charter Law to ensure a nonpartisan, fair and objective process by which Legislative districts are reapportioned. (COUNTY EXEC)

LEG. MYSTAL:

Motion to table.

CHAIRMAN O'LEARY:

Motion by Legislator Mystal, seconded by myself. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1067 is **tabled. (VOTE:4•0•0•1) (Not present: Legis. Montano).**

Is there a public hearing scheduled 1067? For the record the public hearing on 1067 has been closed. 1067 is tabled.

INTRODUCTORY RESOLUTIONS

1096•05. Authorizing certain technical corrections to Adopted Resolution No. 1042•2004. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Motion to approved by myself, seconded by Legislator Kennedy and placed on the Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1096 is **APPROVED** and placed on the **Consent Calender. (VOTE:4•0•0•1) (Not present: Legis. Montano).**

1097•05. Authorizing certain technical corrections to Adopted Resolution No. 570•2004. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Same motion, same second. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **APPROVED** and placed on the **Consent Calender. (VOTE:4•0•0•1)**

(Not present: Legis. Montano)

**1098•05. Authorizing certain technical corrections to Adopted Resolution No. 1109
•2004. (COUNTY EXEC)**

CHAIRMAN O'LEARY:

Same motion, same second. **APPROVED** and placed on the **Consent Calender. (VOTE:4•0•0
•1) (Not present: Legis. Montano).**

**1099•05. Authorizing certain technical corrections to Adopted Resolution No. 1093
•2004. (COUNTY EXEC)**

CHAIRMAN O'LEARY:

Same motion, same second. **APPROVED** and placed on the **Consent Calender. (VOTE:4•0•0
•1) (Not present: Legis. Montano).**

**1100•05. Authorizing certain technical corrections to Adopted Resolution No. 1315
•2004. (COUNTY EXEC)**

CHAIRMAN O'LEARY:

Same motion, same second. **APPROVED** and placed on the **Consent Calender. (VOTE:4•0•0**

•1) (Not present: Legis. Montano).

1102•2005. Amending Resolution No. 1004•2004, to extend the deadline for the Delinquent Properties Tax Task Force. (COOPER)

CHAIRMAN O'LEARY:

I want to take note •• make note to the members of the committee that this task force expired March 1st. So it has already expired.

LEG. MYSTAL:

I'd like to kill it.

CHAIRMAN O'LEARY:

The sponsor of the resolution •• we probably should killed it, because it's expired. All right. Is there a motion on 1102? Hearing no motion, 1102 is dead, gone.

1104•05. Requiring annual reporting of contract agency finances. (CARACCIOLO)

CHAIRMAN O'LEARY:

Can I have an explanation on 1104, please?

MS. KNAPP:

This is Legislator Caracciolo's resolution. What it basically does is require that contract agencies who receive more than \$25,000 annually file an annual financial report with the County Comptroller. It can be in the form of a CPA certified statement or if they're a very small group, it can be a report of revenues and expenditures signed by the Chief operating Officer and the Chief Financial officer and certified as accurate before a Notary Public.

CHAIRMAN O'LEARY:

Thank you, Counsel. I have a request of the sponsor for a tabling on 1104. Make a motion to table by myself, seconded by Legislator Kennedy. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1104 is **TABLED. (VOTE:4•0•0•1)** **(Not present: Legis. Montano)**

MR. ZWIRN:

Mr. Chair.

CHAIRMAN O'LEARY:

Yes. Mr. Zwirn.

MR. ZWIRN:

Can I be recognized just for a second? Going back to the task force on delinquent properties, there's a lot of work that has gone into that. They've had a number of meetings, they've brought experts down from Upstate counties to testify. Can you just •• I mean, I sit on that committee.

CHAIRMAN O'LEARY:

Is there a reason why the sponsor •• I mean, he must known that the deadline was approaching and he didn't submit a resolution to extend.

MR. ZWIRN:

I don't know if it was a timing issue because of the times of the meetings, I'm not sure, but I know a lot of work has gone into it. They are getting ready to make the recommendations. I mean, it would be a shame if they just can't get this one extension, because they are almost •• we're almost done with the work. As I said, we've brought people down from, you know, Orange County that have given testimony before the committee. I think they will have some good recommendations. If it can just be reconsidered to just give them a little bit longer just to wrap it up. It's not something that's going to take a great deal of time, because we're almost done. It would just seem that all the work that had be done by members of the committee •• I know Legislator Carpenter sits on that committee.

LEG. MYSTAL:

You want to give them until the end of the month?

MR. ZWIRN:

I think •• whatever the continuation is. I don't even got the bill in front of me, but that should be it. I mean, we're at the end ready to make recommendations to the County. The Deputy County Attorney, Lynne Bizzarro, is on the committee. I mean, we're just at the end, just putting it •• just putting it together, so.

CHAIRMAN O'LEARY:

All right. I would just ask Counsel, what's the request in the resolution for the extension, how much of an extension is being requested in the resolution?

MS. KNAPP:

We amended the 11th Resolved to go until May 1st, 2005. However, that was pretty much •• was not a deadline for their work. Interestingly enough, the original resolution gave them a total of 60 days from the first meeting, and it's my understanding that the first meeting was held on January 20th. So that under the provisions of the original resolution which we did not amend, basically the committee has to be done by March 20th. Does that look realistic?

MR. ZWIRN:

Well, it will be close, because, I mean, we're at the •• we're at the end. You know, we have a General Meeting next week, so it's going to be hard for us to all get our comments in.

CHAIRMAN O'LEARY:

All right. I respect the fact that the work product is well on its way with respect to coming to completion with respect to this task force. In effect, by virtue of no motion, you're well aware of the fact that this was then killed, so.

MR. ZWIRN:

That's why I'm asking you to just ••

CHAIRMAN O'LEARY:

So you would like a motion to reconsider?

MR. ZWIRN:

I wasn't quick enough off my feet.

CHAIRMAN O'LEARY:

Would you like a motion to reconsider the fact that there was no motion? How do you do that?

MR. ZWIRN:

Just go back.

CHAIRMAN O'LEARY:

Under the prerogative of the Chair ••

MR. ZWIRN:

Under the O'Leary Rule.

LEG. LINDSAY:

You have heard of Robert's Rules, this is Richard's Rules.

CHAIRMAN O'LEARY:

Okay. All right. Under the prerogative of the Chair, I will take 1002 back under consideration for a motion to, Legislator Mystal, reconsider?

LEG. MYSTAL:

Yes.

CHAIRMAN O'LEARY:

Motion by Legislator •• well, I'm sorry, you can't make that motion, because you weren't part of the prevailing side, but then again, this is very confusing, because there's nobody part of the prevailing side. So what we're going to do is we're going go back to 1102.

MR. ZWIRN:

I appreciate that. Thank you.

LEG. MYSTAL:

We will do a Saturday Night Live, never mind.

CHAIRMAN O'LEARY:

1102 is before us once again for consideration.

LEG. MYSTAL:

Motion to approve.

CHAIRMAN O'LEARY:

Motion to approve by Legislator Mystal, is there is second on the motion? By myself. I don't think Legislator Kennedy was listening.

MR. ZWIRN:

You're doing this on purpose.

CHAIRMAN O'LEARY:

Motion to approve with the thought in mind that there was a work in progress, and perhaps there was an oversight that the extension wasn't submit in a timely manner. We can deal with that. Okay. There's a motion to approve on 1102. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? 1002 is now **APPROVED. (VOTE:4•0•0•1) (Not present: Legis. Montano)**. Now we can reconsider.

MR. ZWIRN:

Thank you. Thank you. Thank you very much.

1108•05. Adopting Local Law No. •2005, a Local Law to extend and further strengthen the reporting for the Anti•Nepotism Statute. (CARACCIOLO)

CHAIRMAN O'LEARY:

We have to table this for a public hearing. Motion to table by myself, seconded by Legislator Kennedy. On the question of the motion to table? All those in favor? Opposed? Abstentions? **Tabled. (VOTE:4•0•0•1) (Not present: Legis. Montano)**.

1121•05. Authorizing use of H. Lee Dennison Executive Office Building property by Suffolk County Police Athletic League Twirlers for Memorial Day Celebration. (CARPENTER)

CHAIRMAN O'LEARY:

Motion by myself to approve, seconded by Legislator Mystal. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? **Approved. (VOTE:4•0•0•1) (Not present: Legis. Montano).**

1137•05. Establishing a Yaphank County Center Development Review Committee. (O'LEARY)

CHAIRMAN O'LEARY:

There is a motion by the sponsor, myself, to table this. I want to take note of the fact that we have a letter here from the Yaphank Taxpayers Civic Association. They want to submit it for the record. Are there copies, Maria that have been sent out to the committee? All right. Just note and make part of the record the letter from Francesca Hurley, President of the Yaphank Taxpayers and Civic Association with respect to this resolution. I would like to make it part of the record. Motion to table by myself. There's been some dialog and conversation with members of the Executive Office with respect to some of the amendments and language of this particular resolution, and I've indicated I'm willing to sit down and discuss that for the two week cycle. So motion to table until the next cycle of committee meetings, which I think is early April. Motion to table by myself, seconded by Legislator Kennedy. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? **Tabled. (VOTE:4•0•0•1) (Not present: Legis. Montano).**

1143•05. Authorizing the sale of County•owned real property having a Suffolk County Tax Map Identification Number of District 0400 Section 208.00 Block 02.00 Lot 025.000 pursuant to Section 72•H of the General Municipal law. (COUNTY EXEC)

LEG. MYSTAL:

Mr. Chair, shouldn't we put that under the same that we put the other one that we had •• I suppose it has the same kind of •• it doesn't have?

CHAIRMAN O'LEARY:

I don't think there's any reference to Department of Environment and Energy, so. There isn't any reference. There's a motion to approve by myself, seconded by Legislator Kennedy. On the question of the motion on 1143? All those in favor? Opposed? Abstentions? **Approved.**
(VOTE:4•0•0•1) (Not present: Legis. Montano).

1147•05. Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Department of Public Works. (COUNTY EXEC)

CHAIRMAN O'LEARY:

This is a mailroom supervisor's position. Yes.

MS. CHAYES:

I can answer any questions.

CHAIRMAN O'LEARY:

On this particular resolution? I think the questions have been asked and answered and we have no problem moving this, even though there's reference •• as you can well imagine, there's reference to Department of Public Works, but this impacts an individual employee, so I have no

problem with moving this resolution forward. There's a motion by myself to approve, seconded by Legislator Kennedy on 1147. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **Approved. (VOTE:4•0•0•1) (Not present: Legis. Montano).**

1148•05. Authorizing the transfer of 15 items of traffic signal control hardware to Local union No. 25 of the International Brotherhood of Electrical Workers. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Legislator Lindsay, he is not here. Legislator Lindsay had some concern about this particular resolution. This is surplus ••

LEG. LINDSAY:

I don't have any concern. I'm in support of this.

CHAIRMAN O'LEARY:

You were in support of this. You were certainly in support of this were you not?

LEG. LINDSAY:

Yes.

CHAIRMAN O'LEARY:

Yes. As I am. This is surplus equipment that's going to be transferred or sent over to IBEW for training purposes. So motion to approve by myself, second by Legislator Mystal. On the question of the motion to approve on 1148? Hearing none, all those in favor? Opposed? Abstentions? **Approved. (VOTE:4•0•0•1) (Not present: Legis. Montano).**

1166•05. Amending the Classification and Salary Plan and authorizing a fee schedule for the Suffolk County Board of Elections Election Inspectors and polling places. (COUNTY EXEC)

CHAIRMAN O'LEARY:

My understanding is this increases the per hour pay for those volunteers who get paid who work in the Board of Elections, I think to \$10. Is \$10 per hour?

LEG. MYSTAL:

They get a minimal increase and the leases get a minimal increase.

CHAIRMAN O'LEARY:

And there is calls from both Commissioners to my office asking for support of this. Motion to approve by Legislator Kennedy, seconded by Legislator Mystal. On the question of the motion? All those in favor? Opposed? Abstentions? **Approved. (VOTE:4•0•0•1) (Not present: Legis. Montano).**

1173•05. Sale of County•owned real estate pursuant to Local Law 13•1976 Janice Gribbin. (COUNTY EXEC)

CHAIRMAN O'LEARY:

I'm told that there is no mention of the Department of Environment and Energy in this, is that true, Ms. Zielenski?

MS. ZIELENSKI:

It does refer to Real Property Management and Acquisition.

CHAIRMAN O'LEARY:

Oh, on the backup? Counsel, please.

MS. KNAPP:

There's no reference to the Department of Environment and Energy, however, the Division of Real Estate is referred to as the Division of Real Property Acquisition and Management, which is technically the title that is being proposed. However, there is no mention of the department ••

LEG. MYSTAL:

Mr. Chairman, why don't we do the same thing, you know, just table this, ask them for a CN. Ms. Zielenski will you do that, or Mr. Zwirn?

MS. ZIELENSKI:

Certainly.

CHAIRMAN O'LEARY:

Would you include 1173 with a request for a CN to come over on the 15th? Motion to table 1173 by Legislator Mystal, seconded by myself. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? **Tabled. (VOTE:4•0•0•1) (Not present: Legis. Montano).**

TABLED SENSE RESOLUTION

S.002. Memorializing resolution requesting the New York State Legislature to enact legislation to prevent identity theft. (COOPER)

CHAIRMAN O'LEARY:

Motion by Legislator Losquadro to approve, seconded by Legislator Kennedy.

LEG. MYSTAL:

How do you do that?

CHAIRMAN O'LEARY:

Excuse me?

LEG. MYSTAL:

How do you do that?

CHAIRMAN O'LEARY:

What?

LEG. MYSTAL:

Pass legislation to prevent identity theft, how do you do that.

CHAIRMAN O'LEARY:

How do you prevent identity theft?

LEG. MYSTAL:

How do you prevent any theft?

CHAIRMAN O'LEARY:

It's a Sense Resolution.

LEG. MYSTAL:

In words, file 13, okay. Thank you.

CHAIRMAN O'LEARY:

You are welcome. Motion to approved by Legislator Losquadro, seconded by Legislator Kennedy. On the question of the motion to approve Sense 2? Hearing none, all those in favor? Opposed? Abstention? Sense two is **approved. (VOTE:4•0•0•1) (Not present: Legis. Montano).**

SENSE RESOLUTION

S•014. Sense of the Legislature resolution urging candidates and officials in all ten towns to join Suffolk County in full campaign finance disclosure. (BINDER)

LEG. MYSTAL:

Motion to table.

CHAIRMAN O'LEARY:

Is there a second on the motion to table? Hearing none, is there a motion to approve? I'll make a motion to approve, seconded by Legislator Losquadro. Speak up guys.

LEG. LOSQUADRO:

I said yes, Pete.

CHAIRMAN O'LEARY:

I'm sorry. I didn't hear you. There's motion to approve by myself, seconded by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstain? Abstentions.

LEG. MYSTAL:

Abstention.

LEG. MYSTAL:

Opposed.

CHAIRMAN O'LEARY:

I'm sorry. Legislator Mystal is opposed to Sense 14. **APPROVED. (VOTE:3•1•0•1)**
(Opposed: Legis. Mystal) (Not present: Legis. Montano)

All right. There's nothing else on the agenda? Does anyone wish to come forward and say anything to the committee before we adjourn? Thank goodness nobody does. I'm told there's no need to go into Executive Session; is that correct?

MS. BIZZARRO:

Correct.

CHAIRMAN O'LEARY:

All right. Motion to adjourn by Legislator Kennedy, second by Legislator Mystal. Meeting stands adjourned.

(* THE MEETING WAS ADJOURNED AT 11:28 A.M. *)

_ _ **DENOTES BEING SPELLED PHONETICALLY**